

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JUSTIN JOHNSON,

Petitioner,

vs.

CINDY GRIFFITH,

Respondent.

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Case No. 4:17-cv-02900-MTS

MEMORANDUM AND ORDER

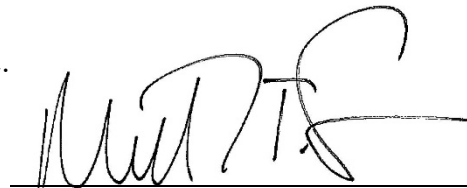
This matter comes before the Court on Petitioner Justin Johnson’s Motion for Leave To Proceed in Forma Pauperis, Doc. [32], in which Petitioner seeks to proceed in forma pauperis on his appeal of this Court’s denial of a writ of habeas corpus under 28 U.S.C. § 2254. Petitioner failed to provide a certified copy of his prisoner account statement. *See* 28 U.S.C. § 1915(a)(2); *see also* Fed. R. App. P. App’x Form 4. Perhaps more importantly, Petitioner’s Motion fails to “state[] the issues that [he] intends to present on appeal.” Fed. R. App. P. 24(a)(1)(C). *See also* Doc. [32] at 1 (stating only that Petitioner is “appealing the denial of habeas relief”). That omission alone warrants denial of his Motion to Proceed in Forma Pauperis in this habeas case. But it also prevents the Court from determining whether the appeal is “taken in good faith,” 28 U.S.C. § 1915(a)(3), another prerequisite to proceeding in forma pauperis. Without any indication from Petitioner regarding what warrants consideration on appeal, the Court sees no clear reason why an appeal in this matter would be taken in good faith. *Cf.* Doc. [25] at 24–25 (finding that Petitioner had not made a substantial showing of a denial of a constitutional right and therefore declining to grant a certificate of appealability); *see also* 28 U.S.C. § 2253(c)(2).

Accordingly,

IT IS HEREBY ORDERED that Petitioner Justin Johnson's Motion for Leave To Proceed in Forma Pauperis, Doc. [32], is **DENIED without prejudice**.

IT IS FURTHER ORDERED that the Clerk of Court is directed to send to Petitioner a copy of Federal Rule of Appellate Procedure Appellate Form 4 along with this Memorandum and Order.

Dated this 28th day of January, 2022.

A handwritten signature in black ink, appearing to read 'MATTS', is written over a horizontal line.

MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE